

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TRACY KELLY,)
)
Petitioner)
)
vs.) Civil Action No. 07-281
) Judge Joy Flowers Conti/
PENNSYLVANIA BOARD OF) Magistrate Judge Amy Reynolds Hay
PROBATION AND PAROLE; DISTRICT)
ATTORNEY OF THE COUNTY OF)
ALLEGHENY; PA STATE ATTORNEY)
GENERAL,)
)
Respondents)

ORDER

AND NOW, this 27th day of February, 2008, after the Petitioner, Tracy Kelly, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until February 19, 2008, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that habeas petition filed pursuant to 28 U.S.C. § 2254 is dismissed;

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Tracy Kelly
CN-0777
SCI Somerset
1590 Walters Mill Road
Somerset, PA 15510-0001

Douglas B. Barbour
Office of Attorney General
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219